

Order 2000-11-27



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

**Served: December 4, 2000**

Issued by the Department of Transportation  
on the 29<sup>th</sup> day of November, 2000

Application of

**KITTY HAWK INTERNATIONAL, INC.  
d/b/a American International Airways  
and  
KALITTA AIR, L.L.C.**

**Docket OST-2000-7588**

for transfer of certificate authority under 49 U.S.C. 41105

**ORDER CONFIRMING ORAL ACTION and ISSUING EFFECTIVE CERTIFICATE**

By Order 2000-11-3, issued November 7, 2000, the Department found Kalitta Air, L.L.C. (Kalitta Air) fit to engage in interstate scheduled air transportation of property and mail and transferred to it the domestic scheduled cargo authority previously held by Kitty Hawk International, Inc. The authority to operate under this transferred certificate was not to become effective until six (business) days after the Department had received (1) a copy of Kalitta Air's Air Carrier Certificate and Operations Specifications issued by the Federal Aviation Administration (FAA) authorizing such operations, (2) a certificate of insurance evidencing liability insurance coverage meeting the requirements of Part 205 of our rules, (3) a statement describing any changes Kalitta Air may have undergone since the issuance of the show cause order in this proceeding,<sup>1</sup> and (4) evidence that Kalitta Air continued to have sufficient funding to meet our financial fitness criteria.

On November 14, Kalitta Air provided the required certificate of insurance and the required updated fitness information. On November 20, it provided a copy of its FAA Air Carrier Certificate and Operations Specifications demonstrating that it had received the requisite FAA authority. The carrier also requested that the Department waive the six-day waiting period provided for in its certificate so that it could begin conducting revenue air transportation operations as soon as possible.

Our review of the information submitted by Kalitta Air was satisfactory. Under the circumstances, we concluded that there was no reason not to grant the carrier the waiver it

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<sup>1</sup> See Order 2000-10-29, issued October 26, 2000.

requested and make its authority effective prior to the expiration of the six-day waiting period. Therefore, on November 20, we orally advised Kalitta Air that its interstate scheduled cargo certificate was effective on that date. We confirm that action here and take this opportunity to reissue the carrier's certificate to reflect its effective date.

**ACCORDINGLY**, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We confirm our oral action of November 20, 2000, making the interstate scheduled cargo certificate issued to Kalitta Air, L.L.C., effective on that date and reissue the certificate in the attached form to reflect its effective date.
2. Should Kalitta Air, L.L.C., propose to operate more than five (5) aircraft, we direct it to first notify the Department in writing at least 45 days prior to the proposed operations and demonstrate its fitness for such operations before their commencement.
3. We direct Kalitta Air, L.L.C., to submit to the Air Carrier Fitness Division a first-year progress report within 45 days following the end of its first year of operations.<sup>2</sup>
4. We will serve a copy of this order on the parties listed in Attachment A to this order.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the date of this order.

The action confirmed here was effective when taken and the filing of a petition for review shall not preclude its effectiveness.

By:

**RANDALL D. BENNETT**  
Acting Director  
Office of Aviation Analysis

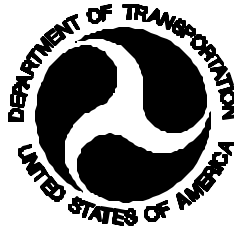
(SEAL)

*An electronic version of this document is available on the World Wide Web at*

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<sup>2</sup> The report shall include a description of Kalitta Air's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements, and a listing of current senior management and key technical personnel.

*[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*



# **Certificate of Public Convenience and Necessity for Interstate Air Transportation**

**This Certifies That**

**KALITTA AIR, L.L.C.  
(as reissued)**

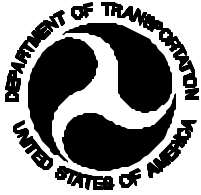
**is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate air transportation of property and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 2000-11-27  
On November 29, 2000  
Effective on November 20, 2000**

**Randall D. Bennett  
Acting Director  
Office of Aviation Analysis**



## Terms, Conditions, and Limitations

### **KALITTA AIR, L.L.C.**

is authorized to engage in interstate air transportation of property and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.

This authority is subject to the following provisions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder is not authorized to carry passengers (other than cargo attendants accompanying freight shipments).
- (3) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (4) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (5) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (6) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.

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\* This certificate is being reissued to reflect its effective date.

(7) In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

**SERVICE LIST FOR KITTY HAWK INTERNATIONAL, INC.  
d/b/a AMERICAN INTERNATIONAL AIRWAYS  
and  
KALITTA AIR, L.L.C.**

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